

Senate File 516

S-3186

1 Amend Senate File 516 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 422.7, Code 2011, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 34. *a.* Subtract, to the extent
7 not otherwise deducted or excluded and subject to the
8 limitations of this subsection, thirty percent of
9 the allowable costs incurred for the construction or
10 installation of a solar energy system or a wind energy
11 system.

12 *b.* The deduction allowed under paragraph "a" shall
13 be limited to the following amounts:

14 (1) In the case of commercial or agricultural
15 construction or installation, fifteen thousand dollars.

16 (2) In the case of residential construction or
17 installation, three thousand dollars.

18 *c.* To be eligible for a deduction under this
19 subsection, a taxpayer shall meet all of the following
20 conditions:

21 (1) An applicant shall complete and submit an
22 energy audit conducted either by or on behalf of the
23 applicant's electric utility or through a private
24 energy audit service. The level of energy audit to
25 be conducted shall be determined under rules adopted
26 by the department in consultation with the utilities
27 board of the utilities division of the department of
28 commerce.

29 (2) The solar energy system or wind energy system
30 must qualify for the energy star efficiency rating
31 developed by the United States environmental protection
32 agency, or a similar certification program or status
33 designated by the department by rule, if available.

34 (3) The installation must be performed by a
35 licensed or certified installer qualified to install
36 solar energy or wind energy systems and equipment, and
37 must meet or exceed all applicable local building codes
38 and ordinances.

39 *d.* A person whose application for a solar energy
40 system tax credit certificate or a wind energy system
41 tax credit certificate is denied may file an appeal
42 with the department within sixty days from the date of
43 denial pursuant to the provisions of chapter 17A.

44 *e.* A taxpayer who is eligible for a deduction under
45 this subsection shall not be eligible to claim the wind
46 energy production tax credit provided in chapter 476B
47 or the renewable energy tax credit provided in chapter
48 476C.

49 *f.* On or before January 1, annually, the department
50 shall submit a written report to the governor and the

1 general assembly regarding the amounts claimed as a
2 deduction pursuant to this subsection.

3 *g.* For purposes of this subsection, the following
4 terms have the following meanings:

5 (1) "*Allowable costs*" means amounts incurred in
6 the construction or installation of a solar energy
7 system or a wind energy system which are determined by
8 the department by rule to qualify for the deduction
9 pursuant to this subsection.

10 (2) "*Residential*" means a primary or vacation
11 residence, and excludes rental property.

12 (3) "*Solar energy system*" means a solar energy
13 facility which collects and converts incident solar
14 radiation into energy to generate electricity.

15 (4) "*Wind energy system*" means a wind energy
16 conversion system that collects and converts wind
17 into energy to generate electricity, with a nameplate
18 generating capacity of less than or equal to twenty
19 megawatts.

20 Sec. 2. Section 422.35, Code 2011, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 25. *a.* Subtract, to the extent
23 not otherwise deducted or excluded and subject to the
24 limitations of this subsection, thirty percent of
25 the allowable costs incurred for the construction or
26 installation of a solar energy system or a wind energy
27 system.

28 *b.* The deduction allowed under paragraph "*a*" shall
29 be limited to the following amounts:

30 (1) In the case of commercial or agricultural
31 construction or installation, fifteen thousand dollars.

32 (2) In the case of residential construction or
33 installation, three thousand dollars.

34 *c.* To be eligible for a deduction under this
35 subsection, a taxpayer shall meet all of the following
36 conditions:

37 (1) An applicant shall complete and submit an
38 energy audit conducted either by or on behalf of the
39 applicant's electric utility or through a private
40 energy audit service. The level of energy audit to
41 be conducted shall be determined under rules adopted
42 by the department in consultation with the utilities
43 board of the utilities division of the department of
44 commerce.

45 (2) The solar energy system or wind energy system
46 must qualify for the energy star efficiency rating
47 developed by the United States environmental protection
48 agency, or a similar certification program or status
49 designated by the department by rule, if available.

50 (3) The installation must be performed by a

1 licensed or certified installer qualified to install
2 solar energy or wind energy systems and equipment, and
3 must meet or exceed all applicable local building codes
4 and ordinances.

5 *d.* A person whose application for a solar energy
6 system tax credit certificate or a wind energy system
7 tax credit certificate is denied may file an appeal
8 with the department within sixty days from the date of
9 denial pursuant to the provisions of chapter 17A.

10 *e.* A taxpayer who is eligible for a deduction under
11 this subsection shall not be eligible to claim the wind
12 energy production tax credit provided in chapter 476B
13 or the renewable energy tax credit provided in chapter
14 476C.

15 *f.* On or before January 1, annually, the department
16 shall submit a written report to the governor and the
17 general assembly regarding the amounts claimed as a
18 deduction pursuant to this subsection.

19 *g.* For purposes of this subsection, the following
20 terms have the following meanings:

21 (1) "*Allowable costs*" means amounts incurred in the
22 construction or installation of a solar energy system
23 or a wind energy system which are determined by the
24 department by rule to qualify for the tax credit issued
25 pursuant to this subsection.

26 (2) "*Residential*" means a primary or vacation
27 residence, and excludes rental property.

28 (3) "*Solar energy system*" means a solar energy
29 facility which collects and converts incident solar
30 radiation into energy to generate electricity.

31 (4) "*Wind energy system*" means a wind energy
32 conversion system that collects and converts wind
33 into energy to generate electricity, with a nameplate
34 generating capacity of less than or equal to twenty
35 megawatts.

36 Sec. 3. RETROACTIVE APPLICABILITY. This Act
37 applies retroactively to January 1, 2011, for tax years
38 beginning on or after that date.>

39 2. Title page, by striking lines 1 through 4 and
40 inserting <An Act excluding from the computation of net
41 income specified amounts incurred in the construction
42 and installation of solar energy systems and wind
43 energy systems and including retroactive applicability
44 provisions.>

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